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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,658	05/25/2000	April A. Owen	BS99-199	6903

7590 01/11/2005

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EXAMINER	
HECK, MICHAEL C	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/577,658	Applicant(s) OWEN ET AL.	
	Examiner Michael C. Heck	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 19 August 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-6,9-11,23,25 and 27-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-6,9-11,23,25 and 27-32 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 19 August 2004. Applicant amended claims 27-30. Currently, claims 2-6, 9-11, 23, 25, and 27-32 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 27, 29, and 30 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended claims 27, 29, and 30 and argued that the references of record do not teach the features indicated, either alone or in combination, however, the art of record does teach the new claimed limitations. Please see the 35 USC § 103(a) rejection below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public

Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]).

Metzler discloses a system and method for managing customer contacts and related information comprising:

- **[Claim 29]** receiving customer contact information related to a customer contact from the employee, including information related to the quality of the customer contact where the information related to the quality of the customer contact provides at least an indication of whether the customer contact is for post-sale maintenance or for offering future sales opportunities (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is a considered a "quality contact" as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- storing the customer contact information in a database (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database);

- associating the employee with the customer contact information received (Para 6, Metzler teaches the practitioner devises a personal contact list);

- producing a report including at least some of the customer contact information associated with the employee (Para 9, Metzler teaches most contact management software involves a user definable relational database with integrated activity management and a very flexible report generator.);

Metzler fails to teach reviewing the information of the quality of the customer contacts associated with the employee to determine performance of the employee. Zarowitz et al. teach contact management software allows reports to be set up to track the progress of a project or employee's performance. The manager determines what data measures work efforts and successes. In a contact record client placements can be entered. The reporting function helps track placements, modify marketing strategies, and demonstrate accountability (Para 13). The examiner interprets client placement to be the quality of the customer contact. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the determination of employee performance of Zarowitz et al. with the teachings of Metzler because Metzler teaches it is old and well know in the contact management art to use contact management software as a firm-wide tool, with partners and other professionals accountable to a marketing director (Para 7). Employee responsibilities determine the boundaries for the employee's evaluations. Contact management software gives the marketing managers tools to measure work efforts and successes, therefore, allowing them to evaluate the employees as related to their sales responsibilities.

5. **Claims 27, 2-6, 9-11, 23, 25, 28, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) and Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18

[PROQUEST]) in view of Kraft (Kraft, K., There's a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort, Newspaper Financial Executives Quarterly, Reston, Vol. 3 Issue 4, Third Quarter 1997, pages 28-29 [PROQUEST]). Metzler and Zarowitz et al. disclose a system and method for managing customer contacts and related information comprising:

- **[Claim 27]** receiving a first item of contact information from one of a plurality of sales representatives (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches contact management software where the software system can retrieve data from a user's Web site where someone visiting the Web site has entered their name, address, and so on, and create a contact record. The data is invaluable to the sales department. The examiner interprets sales department to include sales representatives.);

- storing the first item of contact information in a database and associating the contact information with a particular entity (Metzler: Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database.);

- receiving and storing information in the database regarding quality of one or more contacts with the particular entity, the quality of one or more contacts providing at least an indication of whether the contact with the particular entity is for post-sale maintenance or for offering future sales opportunities (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that

is considered to be critical to the development of business from a particular contact and is a considered a "quality contact" as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- receiving a second item of contact information from one of a plurality of sales representatives (Zarowitz et al.: Para 5, Zarowitz et al. teaches when follow-up calls, meetings, or other actions are scheduled and completed, one click automatically enters the information into the system's record); and
- the second item of contact information received after the first item of contact information (Zarowitz et al.: Para 5, Zarowitz et al. teaches historical activities about contacts can be retrieved. The examiner interprets historical activities relate to chronological or time sequenced activities which can be received.), and
- the first and second items of contact information made available to the plurality of sales representatives (Zarowitz et al.: Para 7, Zarowitz et al. teaches contact management packages for workgroups that allow teams and people to share information).

Metzler and Zarowitz et al. fail to teach receiving billing information associated with the particular entity in the database for review by sales representatives. Kraft teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment (Page 28, Col. 1 and 2). It

would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the capability to review the billing system in relation to the contact management system of Kraft with the teachings of Metzler and Zarowitz et al. because the teaching of Metzler teaches that it was old and well known in the contact management art to manage the marketing process through the sales process to closing opportunities (Para 3). Marketing cost is an important factor in determining the profitability of the sales effort. Implementing the integrated link between the contact management software and the billing system would help reduce system redundancies, therefore, cost, and improved cash flow by reducing outstanding accounts receivables.

- [**Claim 2**] the first item of contact information is received through a website (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can collect information from the Internet).
- [**Claim 3**] the first item of contact information is received from a first sales representative and the second item of contact information is received from a second sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- [**Claim 4**] the first and second items of contact information are sent to a third sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- [**Claim 5**] the entity is a business (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-related information).
- [**Claim 6**] the first item of contact information is associated with a sales representative (Zarowitz et al.: Para 3 and 16, Zarowitz et al. teaches a contact management system that can empower your staff to maximize marketing opportunities and successes. Data gathering could be invaluable to the sales department.).

- [**Claim 9**] reports are generated, including a follow up list (Zarowitz et al.: Para 2 and 13, Zarowitz et al. teaches the contact management software allows you to set up reports to track the progress of a project and allows you to enter information to include when you scheduled follow-ups).

- [**Claim 10**] the follow up list is sorted chronologically (Zarowitz et al.: Para 6 and 11, Zarowitz et al. teaches the process can automatically populate the contact records to schedule a follow-up call. Advanced calendar and scheduling components are like a personal secretary in that they will remind the user to make those calls, meetings or deadlines. The examiner interprets scheduling to imply chronological order.).

- [**Claim 11**] sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).

- [**Claim 23**] sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).

- [**Claim 25**] a field for receiving the quality of a customer contact (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-related information. Metzler: Para 12-13, Metzler teaches some of the fields include the type of contact and rates the prospects.).

- [**Claim 28**] the first item of contact information is characterized as having a first quality that provides at least an indication that the contact with the particular entity is for post-sale maintenance and the second item of contact information is characterized as having a second quality related to the particular entity different from the first quality where the second quality provides at least an indication that the contact with the particular entity is for offering future sales opportunities (Metzler: Para 11-14, Metzler teaches a practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. The Examiner interprets the

designation of the type of contact to be an existing client inherently relate to post-sales maintenance, and the rating of the prospects is the second quality where the rating is interpreted to indicate future sales opportunities.).

- **[Claim 30]** a menu-driven interface portion communicating with a plurality of sales representatives and adapted to send and receive information from the plurality of sales representatives (Zarowitz et al.: Para 5 and 7-8, Zarowitz et al. teach when you complete initial, follow-up calls, meetings, or other actions, one click automatically enters the information into the system's records. Contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying. Inherently, one click implies a menu-driven interface.); and

- a database in communication with the menu-driven interface portion, the database comprising memory and information in the memory, including contact information related to a customer and billing information associated with the customer for review by the sales representatives (Metzler: Para 5, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Kraft: Page 28, Col. 1 and 2, Kraft teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment.),

- the system permitting one of the plurality of sales representatives to store information related to the customer and another of the plurality of sales representatives to retrieve information related to the customer (Zarowitz et al.: Para 7-8, Zarowitz et al. teach contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying.),

- the information stored being associated with a particular module representing a classification of customers, wherein the customers are classified by how

contact with the customer has occurred, the classification including at least reactive and proactive, where customers classified as reactive are those that initiated the contact with the sales representative and where customers classified as proactive are those where a sales representative initiated the contact with the customer (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can automatically retrieve data from your Web site. Every time someone visits your site and enter their name, address, and so on, the software system can retrieve the information and automatically create a contact record. This data gather could be invaluable to the marketing customers relations or sales department of an organization. For example, your contact management system can collect information from the Internet and group data according to various characteristics. Metzler: Para 5 and 11, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. The examiner interprets retrieving data from the Web site to be reactive and grouping data according to various characteristics to be classification, and placing all clients, non-clients, and contacts into a database as proactive with designating the type contact to be classification.).

6. **Claims 31 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Melchione et al. (U.S. Patent 5,930,764). As to claim 31, Metzler discloses a system and method for managing customer contacts and related information comprising storing information into a database (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database) but fails to teach the information reflects that a particular entity desires not to be contacted in the future. Melchione et al. teach a

sales and marketing support system using a central customer information system (CCIS) database with the feature of a promotional suppression facility that provides information on customers and non-customers who do not wish to be contacted by telephone and/or mail (title, col. 9, lines 13-29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the promotional suppression capability of Melchione et al. with the teachings of Metzler because Metzler teaches that it is old and well known in the contact management art that clients interests and important notes on the client are maintained (Para 14). Companies that are explicit in communicating how their business operates expect outside sales representatives to conform to their requirements in order to make business transactions easier to execute. As such, sales representative that respect the businesses desires will receive the bulk of the sales since they understand and conform to the requirements, therefore, doing business with a customer the way the customer wants business to be conducted shows a level of respect to the customer that leads to mutual benefit.

Claim 32 substantially recites the same limitations as that of claim 31 with the distinction of the recited method being a system. Hence the same rejection for claim 31 as applied above applies to claim 32.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch
5 January 2005

TARIQ R. HAFIZ
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